

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

v.

RANDY MONTELONGO

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CRIMINAL NO. 4:18CR242-ALM/KPJ

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the Government's request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on August 30, 2019, to determine whether Defendant violated his supervised release. Defendant was represented by Michelle Allen-McCoy. The Government was represented by Andrew Stover.

On January 21, 2005, Defendant was sentenced by the Honorable Sam R. Cummings, United States District Judge, to a sentence of sixty (60) months imprisonment followed by a five (5) year term of supervised release for the violation of 18 U.S.C. § 924(c) and 18 U.S.C. § 2, Possession of a Firearm in Furtherance of a Drug Trafficking Crime and Aiding and Abetting. Defendant's supervised release was subsequently revoked and Defendant was sentenced to eighteen (18) months imprisonment followed by a three (3) year term of supervised release to follow. *See* Dkt. 2.

On January 15, 2019, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 2). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall answer truthfully all inquiries by the probation officer

and follow the instructions of the probation officer; and (3) Defendant shall notify the probation officer at least 10 days prior to any change in residence or employment. *See* Dkt. 2.

The Petition asserts Defendant violated these conditions because: (1) on December 1, 2018, Defendant was arrested by Plano Police Department for committing the offenses of Manufacture and Delivery of a Controlled Substance PG 1-1Gram, and Manufacture and Delivery of a Controlled Substance PG 1-4 Grams. Bond has been set in the amount of \$30,000. As of this writing, the offender remains in custody of the Collin County Detention Center, McKinney, Texas; Defendant is likewise under parole supervision; (2) on October 23, October 24, and November 30, 2018, Defendant refused to submit a urine specimen for drug testing as instructed by the probation officer; on each occasion, Defendant left the probation office and failed to follow the instructions of the probation officer; and (3) on November 29, 2018, the probation officer confirmed that Defendant left his employment with Southern Glass several weeks prior and had failed to notify the probation officer of the change in employment as instructed.

At the hearing on August 30, 2019, Defendant entered a plea of true to violation of allegations one through three (1–3). Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release, and thus, his supervised release should be revoked.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the August 15, 2019 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of fifty-one (51) months, to be served consecutively to any other sentence, with no supervised release to follow. The Court further recommends Defendant be placed in FCI Seagoville, if appropriate.

IT IS SO ORDERED.

SIGNED this 30th day of August, 2019.

A handwritten signature in black ink, appearing to read 'KLPJ', is written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE